

obviousness teaching. The only mention of humic acid within this patent is in passing as a possible filler material within a precondensate composition that is to be sprayed on a soil area to produce a film that, ultimately, provides a thickening or like effect to protect the soil from wind and water erosion. There is no example setting forth the same sand compositions as now claimed. There is no example setting forth a sand treated specifically with humic acid as now claimed. There is no example setting forth a sand that exhibits the same water penetration prevention as now claimed. Hirsbrunner's film is just as he discloses, a spray-on treatment to prevent erosion of soil. In that manner, an anticipatory teaching is nonexistent over the current claim.

Furthermore, it is evident within patentee's teachings that such a film is not intended to prevent the ability to water plants present within such a treated soil, but to provide a way for the prevention of soil movement due to wind and/or water forces. If the film of patentee's were intended to actually prevent water from penetrating the soil, there would be no reason to apply such a film at all, which is clearly not the case. In fact, patentee indicates the ability for his film to provide a "greenhouse effect" in trapping water under the surface once it penetrates through. If the film were hydrophobic in nature, water applied on the film would remain on the top of the film and evaporate. In essence, the desire of agriculturalists is not to create a hydrophobic soil, but to provide a highly hydrophilic soil in order to ensure plants therein receive sufficient moisture at their roots. The presence of humic acid within the film at all is clearly meant to provide sustenance to the target plants present within the target soils (as noted within the originally filed specification hereof, humic acid is utilized by plants as a source of nutrients). There is no indication that the films possibly, but not definitely, containing humic acid constituents, would exhibit any hydrophobicity, and, again,

in relation to the totality of the teachings of Hirsbrunner, such would be counterintuitive, if not destructive, to the actual function desired and disclosed by patentee. As such, it is then clear that anticipation cannot lie in this situation. Furthermore, the ordinarily skilled artisan within the pertinent art would not find any motivation to produce the same highly hydrophobic sand composition as now claimed from a simple review of Hirsbrunner, nor is there any way for Applicants to make any reasonable comparative testing as there is no specific teaching as to the amounts of humic acid present within patentee's films at all. All in all, Applicants respectfully request reconsideration and withdrawal of all the previous rejection.

CONCLUSION

In view of all of the previous remarks, it is respectfully requested that the pending claim is in condition for allowance and thus that this application be passed on to issue.

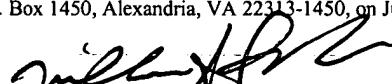
Respectfully requested,

June 4, 2003


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CERTIFICATE OF MAILING

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